


## PATENT COOPERATION TREATY

PCT

REC'D 27 OCT 2004

INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)

WIPO PCT

Applicant's or agent's file reference MULTI-015		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/BR 03/00113	International filing date (day/month/year) 13.08.2003	Priority date (day/month/year) 14.08.2002	
International Patent Classification (IPC) or both national classification and IPC F25B39/02			
Applicant MULTIBRAS S.A. ELETRODOMESTICOS et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"><li>I <input checked="" type="checkbox"/> Basis of the opinion</li><li>II <input type="checkbox"/> Priority</li><li>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li><li>IV <input type="checkbox"/> Lack of unity of invention</li><li>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li><li>VI <input type="checkbox"/> Certain documents cited</li><li>VII <input type="checkbox"/> Certain defects in the international application</li><li>VIII <input type="checkbox"/> Certain observations on the international application</li></ul>			
Date of submission of the demand  12.03.2004		Date of completion of this report  26.10.2004	
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer  McLaughlin, D  Telephone No. +49 89 2399-2762	



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/BR 03/00113**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-6 as originally filed

**Claims, Numbers**

1-2 as originally filed

**Drawings, Sheets**

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-2
Inventive step (IS)	Yes: Claims	
	No: Claims	1-2
Industrial applicability (IA)	Yes: Claims	1-2
	No: Claims	

2. Citations and explanations

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/BR 03/00113

1) Claim 1

Document US-A-5 157 941 (Document D1) which is regarded as being the closest prior art to the subject-matter of claim 1, discloses (see column 3, lines 30 to 58 and column 4, line 57 to column 5, line 15 and figures 2, 3 and 5) an evaporator (24) for a refrigeration system, comprising a tube (26) provided with fins and bent in the form of a coil, conducting a refrigerating fluid therewith and comprising tube portions arranged parallel to each other and which are transversal to the direction of a forced airflow that passes externally through the evaporator (24) from a first end region of air admission to a second end region of air outlet of the evaporator.

In this known evaporator, the evaporator tube has its tube portions arranged as a coil, having an inlet end provided in the second end region of the evaporator (24), and an outlet end provided in the first end region of the evaporator, so that the refrigerating fluid flows through the coil in counterflow in relation to the forced air flow.

The argument of the applicant that the tube bending arrangement of document D1 differs from that of claim 1 and that the manufacturing process leading to the evaporator of claim 1 is more complex, may be correct but are not expressed in the claim as differentiating features.

Hence, document D1 reveals all the features of claim 1 and the present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

(It should be noted that the feature of claim 1 of the tube portions being transversal to the direction of the airflow is unclear, as the direction of airflow is not part of the claimed subject-matter and it cannot be used to clearly define such subject-matter).

- 2) Document D1 also reveals all the features of claim 2, so that claim 2 is also not new.
- 3) The industrial applicability of the application is obvious.